

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 13279, 14172**

(Jointly Administered)

**URGENT CONSENSUAL MOTION FOR EXTENSION OF DEADLINES**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Commonwealth’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> respectfully submits this urgent consented motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Granting Urgent Consented Motion for Extension of Deadlines* [ECF No. 14172] (the “Scheduling Order”).

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Building Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>2</sup> PROMESA has been codified in 48 U.S.C. §§ 2101–2241.

### **Request for Relief**

1. On April 21, 2020, Atlantic Medical Center, Inc., Camuy Health Services, Inc., Centro de Salud Familiar Dr. Julio Palmieri Ferri, Inc., Ciales Primary Health Care Services, Inc., Corp. de Serv. Médicos Primarios y Prevención de Hatillo, Inc., Costa Salud, Inc., Centro de Salud de Lares, Inc., Centro de Servicios Primarios de Salud de Patillas, Inc., and Hospital General Castañer, Inc. (collectively, the “Health Centers”), filed the *Motion of Atlantic Medical Center, Inc., Camuy Health Services, Inc., Centro de Salud Familiar Dr. Julio Palmieri Ferri, Inc., Ciales Primary Health Care Services, Inc., Corp. de Serv. Médicos Primarios y Prevención de Hatillo, Inc., Costa Salud, Inc., Centro de Salud de Lares, Inc., Centro de Servicios Primarios de Salud de Patillas, Inc., and Hospital General Castañer, Inc. Seeking (I) Enforcement of the Court’s Prior Order and (II) Relief From The Automatic Stay* [ECF No. 12918] (the “Motion”) seeking, among other things, (a) enforcement of the District Court’s prior order approving the Lift Stay Stipulation with respect to the Health Centers and (b) relief from the automatic stay to liquidate the Health Centers’ Claims. In the Motion, the Health Centers assert that the Commonwealth has failed to perform its obligations pursuant to the Lift Stay Stipulation with respect to each quarterly payment for 2019, resulting in a shortfall of \$7,664,073.10 owed to the Health Centers for the 2019 estimated quarterly wraparound payments.

2. On May 30, 2020, the Health Centers and the Oversight Board entered into that certain *Joint Stipulation and Order Regarding Atlantic Medical Center, Inc., et al.’s Motion for Relief from the Automatic Stay* (ECF No. 12918) [ECF No. 13279] (the “Stipulation”), providing, among other things, that objections to the Motion must be filed by September 2, 2020, the Health Centers’ reply papers must be filed by September 9, 2020, and the hearing to consider the relief requested in the Motion shall be adjourned to September 16, 2020 (the “Hearing”).

3. On September 3, 2020, this Court entered the Scheduling Order, which provides that objections to the Motion must be filed by October 14, 2020, Movants’ reply papers in support

of the Motion must be filed by October 21, 2020, and the Hearing shall be adjourned to October 28, 2020.

4. The parties are still in discussions to consensually resolve the Motion. Thus, the Debtor, with the Health Centers' consent, proposes the following extensions of the deadlines set forth in the Scheduling Order:

- The Hearing shall be adjourned to **December 9, 2020**.
- The deadline to file objections to the Motion shall be extended to **November 24, 2020 at 5:00 p.m. (prevailing Atlantic Time)**.
- The deadline for Movants to file a reply shall be extended to **December 2, 2020 at 5:00 p.m. (prevailing Atlantic Time)**.

5. The Debtor has discussed this request with counsel for Movants who have consented to the relief requested herein.

6. Pursuant to Paragraph 1.H of the *Thirteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 13512-1] (the "Case Management Procedures"), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

#### **Notice**

7. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against

COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;<sup>3</sup> (i) all parties filing a notice of appearance in these Title III cases; and (j) Movants. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

8. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

*[Remainder of Page Intentionally Left Blank]*

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<sup>3</sup> The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

**WHEREFORE**, the Debtor requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: October 14, 2020

New York, New York

Respectfully submitted,

**O'NEILL & BORGES LLC**

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of the Commonwealth*

**Exhibit A**

**Proposed Order**

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>4</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 13279, 14172**

(Jointly Administered)

ORDER GRANTING URGENT CONSENSUAL MOTION FOR EXTENSION OF DEADLINES

Upon the *Urgent Consensual Motion for Extension of Deadlines* (Docket Entry No. [    ], the “Extension Motion”);<sup>5</sup> and the Court having found that the relief requested in the Extension Motion is in the best interests of the Debtor and Movants; and the Court having found that the Debtor provided adequate and appropriate notice of the Extension Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Extension Motion; and the Court having determined that the factual bases set forth in the Extension Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

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<sup>4</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Building Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

<sup>5</sup> Capitalized terms used but not otherwise defined herein have the meanings given to them in the Extension Motion

1. The Extension Motion is granted as set forth herein.
2. The hearing to consider the relief requested in the Motion shall be adjourned to  
**December 9, 2020.**
3. The deadline to file objections to the Motion [ECF No. 12918] shall be extended to  
**November 24, 2020 at 5:00 p.m. (prevailing Atlantic Time).**
4. The deadline for the Health Centers to file a reply shall be extended to **December 2, 2020 at 5:00 p.m. (prevailing Atlantic Time).**
5. This Order resolves Docket Entry No. [    ].

SO ORDERED.

Dated: [        ], 2020

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LAURA TAYLOR SWAIN  
United States District Judge